

October 5, 2007

The Honorable Kevin Martin
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554-0005

Re: Unlicensed Devices in the "White Spaces"
ET Docket No. 04-186

Dear Chairman Martin:

On behalf of the more than 600 nationwide members of the League of American Theatres and Producers, I am writing to voice our serious concern with and opposition to the proposal before the Commission to open access to the television band (54 MHz - 698 MHz) to personal/portable unlicensed devices. Our interest in the outcome of this proceeding is intense and our membership has directed me to express our views on the so-called "white spaces" issue in the strongest possible terms.

Simply put, we urge the Commission to reject plans to allow personal/portable devices in the "white spaces" until such time as independent engineering analysis demonstrates conclusively that the new devices will not interfere with wireless microphones. This analysis must be based on field tests of proposed new device technology performed in real world situations done over a reasonable period of time especially in New York city and other congested, urban areas. Given the critical need for absolute clarity and reliability of our wireless microphone systems, we also urge the Commission to set-aside several channels in each metropolitan market, including channels adjacent to television broadcast channels, for exclusive use of wireless microphones. With over 3,000 performers on Broadway nightly, if new unlicensed device operations interfere with our extensive wireless microphone systems, Broadway would be quickly paralyzed.

In order to fully appreciate the impact this proposed policy change would have on the production of live theatre on Broadway and across the nation as part of our touring productions it is first necessary to understand the cultural and commercial success of our productions and the regional economic activity that is leveraged as a result of our shows each and every day, year-after-year.

Gerald Schoenfeld *Chairman*
Charlotte St. Martin *Executive Director*

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Charlotte Wilcox
Miles Wilkin
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Beth Williams
Steven Winton
Scott Zeiger

COUNSEL
Jeffrey A. Horwitz, Esq.
Bernard M. Plum, Esq.

The latest available on-Broadway statistics show that the industry contributes \$4.8 billion annually to the City of New York. Add to that ancillary tourist spending of \$3.05 billion, capital theatre investment of 17.6 million, and \$1.71 billion in production expenses, and you begin to appreciate how significant our industry is to the "Big Apple."

But New York is just one urban center that benefits from Broadway productions. Indeed, the success of our touring productions has literally exploded in recent years. For example, each year nearly 100 shows begin touring and find homes in more than 250 theatres across the nation. Those 100 shows collectively generate more than \$3.24 billion within the various host cities each and every year. These dollars are, in turn, leveraged by thousands of surrounding restaurants, hotels, tourist attractions, and other small and medium sized businesses who craft their business plans with the arts in mind.

In each case, these billions of dollars are used to hire employees and stimulate economies. Live theatre is a fragile business known as the "fabulous invalid" but despite that reputation, it has survived and provides the American consumer with a worthwhile, thought-provoking, and educational and cultural experience. But our success in recent years is no accident. Today, our theater owners understand better how to make the theatre experience more comfortable and memorable. Today, our actors understand the medium better and have honed their talents specifically for the stage. And, today, our engineers and technicians understand how to bring a show to "life" with fantastic set designs, "shock and awe" pyrotechnics and special effects, and a top shelf audio presentation.

The audio presentation of a modern theatre production, from *Mamma Mia!* to *Cirque Dreams*, from *Jersey Boys* to *Spamalot*, and from *Chicago* to *Dirty Rotten Scoundrels* each "fire up" dozens, if not hundreds, of wireless microphones during each performance. In cities like New York and Los Angeles, and even in smaller metropolitan markets like Charlotte and Nashville, finding spectrum "space" for wireless mic uses is already incredibly challenging and leave very little, if any, "white spaces" to spare.

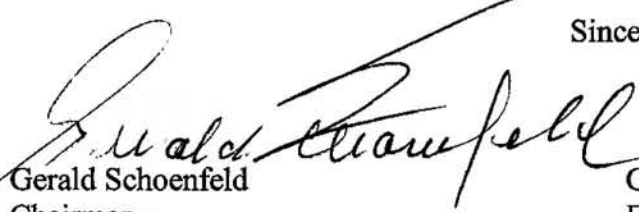
If the Commission were to approve the operation of millions of new unlicensed devices in the white spaces without fail-safe interference protections for existing microphone operations it would dramatically change the "face" of theatrical performances. Even the most "traditional" of productions would require significant set and audio restructuring, bringing the production values back 30 years or more. Obviously, more ambitious and "fan friendly" productions would probably be scrapped altogether.


Theatre and the arts enjoy a special distinction in our society - it is the pinnacle of live entertainment, a profitable economic venture, and it inspires new generations to explore ideas with open minds and think critically about the world around them.

The Commission has many proposed white spaces "solutions" before it. The League strongly believes that the most appropriate solution would prohibit the introduction of personal/portable unlicensed white space devices. Further, we urge the Commission to set-aside several channels in each metropolitan market, including channels adjacent to television broadcast channels for exclusive use of wireless microphones.

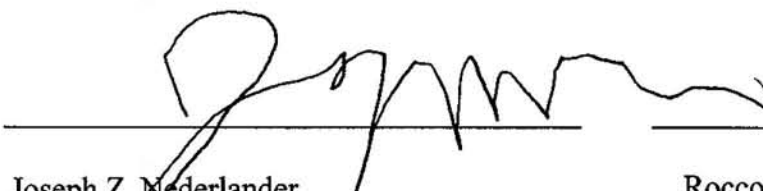
Regardless of the ultimate solution, we urge the Commission to take all necessary precautions to protect the ability of Broadway and our touring productions to fully use all of the wireless tools we need to present a modern audience (who expect a modern performance) of a timeless and classic medium -- the American theatre.

Sincerely,



Gerald Schoenfeld
Chairman
The Shubert Organization


Charlotte St. Martin
Executive Director
The League of American Theatres & Producers


cc: Commissioner Jonathan S. Adelstein
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Deborah Taylor Tate


Joseph Z. Niderlander
Niderlander Producing Company of America, Inc.





Rocco Landesman
President, Jujamcyn Theaters




David Stone
Producer, 321 Management

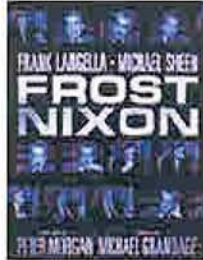



Barry Weissler
President / Producer, National Artists
Management Company (NAMCO)



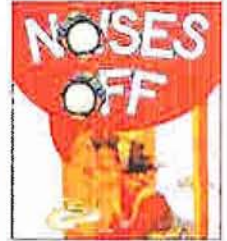
Annette Niemtow

Annette Niemtow
Producer, White Dog Productions LLC



Bill Haber

Bill Haber
Ostar Theatricals LLC



Sharon Fuller

Sharon Fuller
Helen Hayes Theatre



Nick Scandalios

Nick Scandalios
Executive Vice President, Nederlander
Producing Company of America, Inc.



Alecia Parker

Alecia Parker
Executive Producer, National Artists Management
Company (NAMCO)



Robyn Goodman

Robyn Goodman
Aged In Wood LLC



Herschel Waxman

Herschel Waxman
Director of Labor, Nederlander Producing
Company of America, Inc.



Susan Frankel

Susan Frankel
Vice President of Finance, Circle in the
Square Theatre



Abbie Strassler

Abbie Strassler
General Manager, Iron Mountain Productions



Peter Entin

Peter Entin
Vice President of Theatre Operations,
The Shubert Organization



Robert Wankel

Robert Wankel
Executive Vice President & CFO,
The Shubert Organization



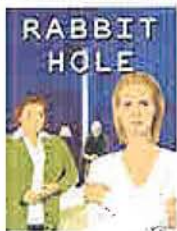
Steven Baruch

Steven Baruch
President, Scorpio Entertainment, Inc.



Florie Seery

Florie Seery
General Manager, Manhattan Theatre Club, Inc.



Doug Baker

Doug Baker
General Manager, Center Theatre Group of Los Angeles



Ahmanson Theatre
Mark Taper Forum
Kirk Douglas Theatre

Jeffrey Seller

Jeffrey Seller
Producer, The Producing Office



Margo Lion

Margo Lion
Margo Lion, Ltd.



CAROLINE, or CHANGE
A NEW MUSICAL

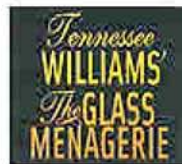
Marc Platt

Marc Platt
Producer, Marc Platt Productions



David R. Richards

David Richards
Owner, Richards/Climan, Inc.

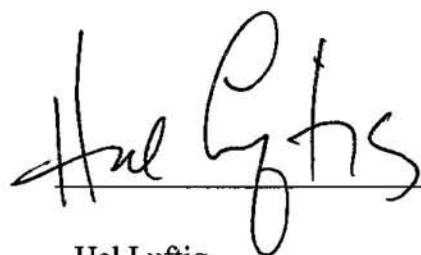




Allan Williams
Associate General Manager,
Alan Wasser Associates



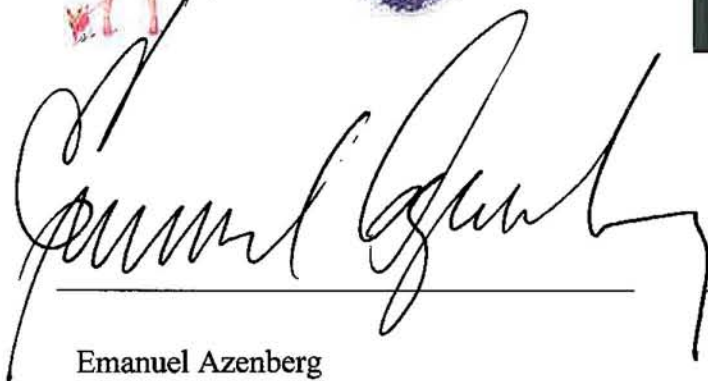
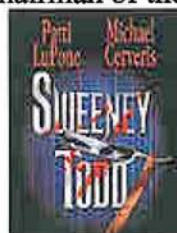
Adam Epstein
President, The Adam Epstein Company, Inc.



Hal Luftig
Producer



Thomas Viertel
Chairman of the Board, Scorpio Entertainment, Inc.



Emanuel Azenberg
President, Iron Mountain Productions



Philip J. Smith
President, The Shubert Organization



James A. Boese

James A. Boese
Vice President, Nederlander Producing
Company of America, Inc.



Richard Willis

Richard Willis
Producer / Theatre Operator, Richmark
Entertainment of Los Angeles



Roger Berlind

Roger Berlind
Berlind Productions



Susan Myerberg

Susan Myerberg
General Manager & Owner,
Helen Hayes Theatre

LITTLE THEATRE GROUP LLC

Mike Isaacson

Mike Isaacson
Vice President Programming / Producer
Fox Associates LLC



Michael David

Michael David
President, Dodger Theatricals Ltd.



DODGERS

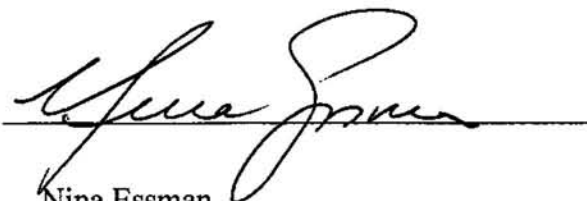


42ND STREET

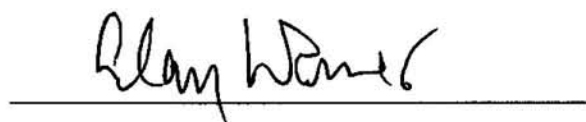




Kevin McCollum
Producer, The Producing Office



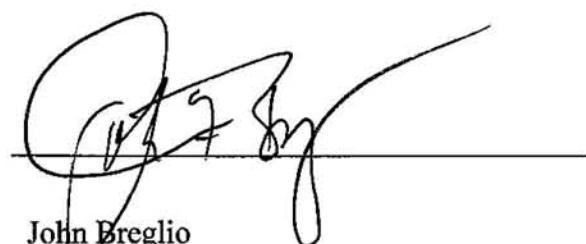
Nina Essman
General Manager, 321 Theatrical
Management



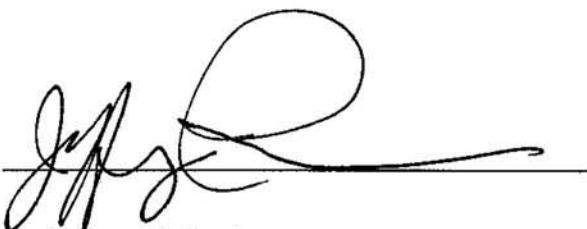
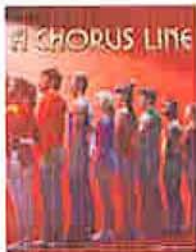
Alan Wasser
Associate General Manager,
Alan Wasser Associates



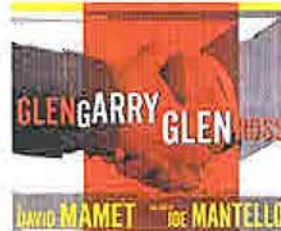
David Anderson
President & Chief Operating Officer,
Broadway Across America

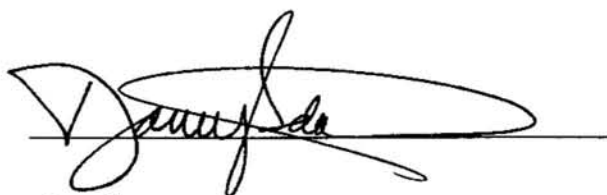


John Breglio
Producer, Vienna Waits Productions, LLC



Jeffrey Richards
President, Jeffrey Richards Associates /
Tonka Productions



A handwritten signature in black ink, appearing to read "Dan Swartz", written over a horizontal line.

Dan Swartz
Senior Vice President, Broadway Across America

A handwritten signature in black ink, appearing to read "Paul Libin", written over a horizontal line.

Paul Libin
Vice President & Producing Director
Jujamcyn Theaters

